

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 10

NESTLÉ PURINA PETCARE COMPANY

Employer

and

BAKERY, CONFECTIONARY, TOBACCO
WORKERS AND GRAIN MILLERS
UNION LOCAL 42

Petitioner

CASE NO. 10-RC-265325

**WITHDRAWAL WITHOUT PREJUDICE OF NESTLÉ PURINA PETCARE
COMPANY’S REQUEST FOR IMMEDIATE STAY OF MAIL BALLOT ELECTION**

On October 12, 2020, Employer Nestlé Purina Petcare Company (“Nestlé Purina” or “Employer”) filed its Request for Immediate Stay of Mail Ballot Election. Over objection by Nestlé Purina, on October 8, 2020, the Acting Regional Director (“ARD”) ordered a mail ballot election to commence with the mailing of ballots on October 23, 2020, and a counting of timely-received ballots scheduled for Friday, November 20, 2020, at 9:00 a.m. Eastern Standard Time. The ARD further ordered that the ballot count will take place virtually on a platform such as Skype, WebEx or Zoom.

The Board has not ruled on the Employer’s Request for Immediate Stay of Mail Ballot Election. Accordingly, the Region proceeded with the mailing of ballots and, presumably, the collection of ballots returned by the voters. Rather than potentially delay the vote count scheduled for November 20, 2020, Nestlé Purina hereby withdraws its Request for Immediate Stay of Mail Ballot Election. It does so without prejudice; in other words, Nestlé Purina seeks to reserve and

not waive any arguments it may make upon final disposition of the proceeding by the ARD and consistent with Section 102.67 of the National Labor Relation Board's Rules and Regulations

Respectfully submitted this 16th day of November, 2020.

OGLETREE, DEAKINS, NASH, SMOAK &
STEWART, P.C.

/s/ Bernard J. Bobber

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**ATTORNEYS FOR
NESTLÉ PURINA PETCARE COMPANY**

CERTIFICATE OF SERVICE

I hereby certify that on November 16, 2020, a true and correct copy of the foregoing Withdrawal Without Prejudice of Nestlé Purina Request for Immediate Stay of Mail Ballot Election was Electronically filed as a .pdf document via the NLRB's e-filing system and transmitted via U.S. First-Class Mail to the Acting Regional Director and via e-mail to the Petitioner as follows:

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